
Appeal Decision

Site visit made on 28 September 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021.

Appeal Ref: APP/D1590/D/21/3276029

73 Marcus Avenue, Thorpe Bay, SS1 3LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by G Lami against the decision of Southend-on-Sea Borough Council.
 - The application Ref 21/00253/FULH, dated 7 February 2021, was refused by notice dated 7 May 2021.
 - The development proposed is side and rear extensions with first floor bedrooms.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issues of this appeal, and I am therefore satisfied that no parties have been prejudiced by my having regard to it.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - The effect of the proposal on the living conditions of the occupiers of 75 Marcus Avenue, with particular reference to outlook, light and privacy.

Reasons

Character and appearance

4. The appeal property is a detached bungalow with a simple hipped roof form. It has an attached flat roof garage to the side that extends to the boundary with 67 Marcus Avenue.
5. The surrounding area comprises mainly of detached bungalows with a similar design and appearance to the appeal property. However, the appeal property is

the last bungalow in the row, and it is also adjacent to a run of two storey dwellings from 67 Marcus Avenue onwards.

6. It is a common feature of the street scene for garages or other single storey elements to extend out to the side boundary of the site. However, these are often set back from the main front elevation of the dwellings or incorporate a flat roof design which adds to the spatial qualities of the area.
7. Whilst there would be no overall increase in height, the proposed extensions would add considerable bulk and mass to the appeal property such that the dwelling would extend across much of the width of the site at 1.5 storeys. The first floor side extension above the existing garage would extend up to the boundary with 67 Marcus Avenue and given its additional height and roof design, would reduce the amount of space around the dwelling which I find would be harmful to the character and appearance of the surrounding area.
8. The proposed roof structure, with half hips and an extensive flat roof element would contribute significantly to the increased scale and bulk of the dwelling. The proposed roof form would be very visible in the street scene when viewed from Marcus Avenue and from Marcus Gardens and would appear as a bulky, overly dominant addition to the property which would be at odds with the roof forms that are displayed in the surrounding area. Thus, the proposal would have a harmful effect on the character and appearance of the host dwelling and the surrounding area in this regard.
9. The proposed two storey gabled projection to the front would also be a highly dominant feature which would be at odds with the character and appearance of the adjacent hipped roof bungalows. In my view, despite its limited depth, it would appear as a somewhat alien feature that would jar with the design of the host property and the established street scene. Whilst I acknowledge that the adjacent two storey dwelling, 67 Marcus Avenue has been altered and extended with a two storey gable to the front, this gable is integrated into the design of the two storey dwelling and does not detract from the street scene in the same way as the appeal proposal.
10. The proposal front dormers would be relatively large, however, I do not consider that they would be particularly harmful to the street scene given the transitional siting of the appeal property adjacent to a row of two storey dwellings. Furthermore, I noted at my site visit that 66 Marcus Avenue which is located broadly opposite the site at the junction of Marcus Avenue and Marcus Gardens, also incorporates first floor dormer windows.
11. However, overall, I consider that the proposal would have a harmful effect on the character and appearance of the surrounding area. Thus, it would be contrary to Policies CP4 and KP2 of the Southend on Sea Core Strategy (2007) (CS) and Policies DM1 and DM3 of the Development Management Document (2015) (DMD) as well as advice contained within the Supplementary Planning Document 1 Design and Townscape Guide 2009 (SPD) and the Framework which together seek to ensure that development is of a high quality design that respects local context and the scale, nature and character of existing development.

Living conditions

12. The proposed extensions would result in a gap of about 1 metre being retained between the flank elevation of the extended dwelling and the side boundary of the site with 75 Marcus Avenue.
13. There are several window openings along the side elevation of No 75, one of which the Council state is the sole window serving a bedroom.
14. Apart from the flat roof rear extension, the appeal proposal would result in the eaves height of the flank elevation being raised to about 3.8 metres and the proposed roof structure would add further bulk to the dwelling although this would be reduced by its half-hipped design.
15. There is an existing close boarded fence along the boundary between the appeal site and 75 Marcus Avenue which is approximately 2 metres in height other than for a short section which is higher. There is also a high hedge between the flank elevation of No 75 and the boundary fence.
16. Given the position of the existing dwelling and the boundary treatment between the two properties, I do not consider that the increase in proximity of the extension or the increase in eaves height and associated bulk would result in any significant effect in terms of loss of light to windows on the side elevation of 75 Marcus Avenue. Furthermore, in my view, the proposal would not give rise to an unacceptable sense of enclosure or other loss of outlook to the occupiers of No 75.
17. The proposal would also introduce two large rear dormers. The openings would incorporate full length glazed doors and window panels, together with Juliette balconies.
18. I acknowledge that the garden of 75 Marcus Avenue is currently relatively private as the adjacent dwellings are both single storey although some distant, angled views of the rear section of the garden would be likely to be obtainable from the large balcony to the rear of 67 Marcus Avenue.
19. The proposed rear dormers would give rise to additional views being obtainable over the rear garden of 75 Marcus Avenue. However, I do not consider that the level of overlooking would be significantly worsened by the inclusion of Juliette balconies as these would be almost flush with the glazed doors and window panels and would not give rise to any external seating areas. Furthermore, in my experience, some overlooking from rear facing windows is often a characteristic of adjacent residential properties in built-up areas and the proposal would not be unusual in this respect. I therefore find that the level of overlooking from the proposed rear dormers would not result in serious harm to the living conditions of the occupiers of No 75.
20. I am also satisfied that the living conditions of the occupiers of other neighbouring residential dwellings, including those to the rear of the site, would not be materially reduced by the appeal proposal.
21. In conclusion on this issue, the proposal would not have a materially harmful effect on the living conditions of the occupiers of 75 Marcus Avenue, with particular reference to outlook, light and privacy. As such, the proposal would not conflict with Policies CP4 and KP2 of the CS and Policies DM1 and DM3 of the DMD as well as advice contained within the SPD and paragraph 130 (f) of

the Framework which collectively seek to protect the living conditions and amenity of existing and future residents and neighbouring occupiers.

Conclusion

22. Whilst I have not identified any material harm to the living conditions of the occupiers of 75 Marcus Avenue, I have found that the proposal would be harmful to the character and appearance of the area. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR